

CLASSIFICATION OF THIS SHEET, ONLY

CLASSIFICATION OF ATTACHED MATERIAL

58-08

UNCLASSIFIED

From: Marisela Montes Deputy Director Division of Adult Institutions	SERIAL None	DATE 03/17/08	CROSS REFERENCE
VIA None	DATE RECEIVED 3/19/08		REPLY DUE BY 03/26/08 <i>(Drop Dead Date: 03/28/08)</i>
TO Warden Wasco State Prison – Recep Center	NUMBER OF COPIES RECEIVED One		ENCLOSURES RECEIVED

PROCESSING OF MAIL RECEIPT OF BOOKS, AND NOTIFICATION TO PUBLISHERS

WARNING ENTRY OF CLASSIFIED SUBJECT OR TITLE WILL REQUIRE CLASSIFICATION ON THIS FORM AND ALL COPIES.

ENCLOSURES RECEIVED
(1)

(2)

WARDEN'S PRIMARY ROUTING					INTER-DIVISION SECONDARY ROUTING				
TO	AC*	DATE RECEIVED	SIGNATURE	DATE FORWARD	TO	AC*	DATE RECEIVED	SIGNATURE	DATE FORWARD
Warden	1 I	3/19/08		3/19/08		8	/ /		/ /
CDW	2 A	3/19/08				9	/ /		/ /
AW-C&H	3 A	/ /		/ /		10	/ /		/ /
Custody Captain	4 A	/ /		/ /		11	/ /		/ /
	5	/ /		/ /		12	/ /		/ /
	6	/ /		/ /		13	/ /		/ /
AGPA	7 I	3/19/08		3/19/08		14	/ /		/ /

***Action Codes: A - Action C - Comment I - Information P-Prepare Reply R - Retain Copy**

REMARKS

AW-C&H, please coordinate this action.

AW-C&H, please have your staff review the attached correspondence. (1) Review all procedures (Mail Room/Inmate Property Officer) procedures; update as required to bring this institution into compliance. (2) Prepare a forwarding memorandum (documenting compliance with these issues) for the Warden's signature addressed to: Terri McDonald, Associate Director (A), Reception Centers Section.

NOTE: email: Terri.McDonald@cder.ca.gov

TICKLER CONTROL NUMBER 58-08	CLASSIFICATION OF THIS SHEET, ONLY UNCLASSIFIED
CLASSIFICATION OF ATTACHED MATERIAL	

Memorandum

Date : March 17, 2008

To : Associate Directors, Division of Adult Institutions
Wardens
Mail Room Supervisors
Correctional Captains/Facility Captains

Subject: **PROCESSING OF MAIL, RECEIPT OF BOOKS, AND NOTIFICATION TO PUBLISHERS**

This memorandum is to remind all staff of the attached four memoranda that were previously issued concerning the processing and delivery of mail:

- *Clarification Of Federal Court Ruling On Nonsubscription Bulk Mail And Catalogs Addressed To An Individual Inmate*, signed by Mike Knowles, Deputy Director (A), Division of Adult Institutions (DAI), dated July 22, 2005;
- *Processing of Standard Mail And Receipt Of Books*, signed by D.L. Runnels, Deputy Director (A), DAI, dated February 13, 2006;
- *Legal Property, Legal Reference Materials, And Books, Magazines, Newspapers In Administrative Segregation Unit*, signed by Scott Kernan, Deputy Director, DAI, dated November 29, 2006;
- *Clarification Of Notification To Publishers*, signed by Teresa A. Schwartz, Deputy Director (A), DAI, dated May 30, 2007.

It has come to my attention that not all institutions may be adhering to the directives in these memoranda. However, they all continue to be in full effect and compliance with them is mandatory. Failure to adhere to the directives may result in future litigation.

The memorandum dated July 22, 2005, informed staff of the following: "...mailroom staff is directed to process all mail, addressed to individual inmates, showing their names, California Department of Corrections numbers and the address for the applicable institution, whether it is solicited or unsolicited; first class mail, standard mail, or periodicals. The only reason for disallowing mail would be if it posed a threat to the safety and security of the institution, or if it could be considered contraband sexually explicit material as outlined in the California Code of Regulations (CCR) Section 3006, or is identified as personnel property as outlined in Department Operations Manual (DOM) Section 54030.17."

All standard mail addressed to an individual inmate by name and California Department of Corrections and Rehabilitation (CDCR) number is to be processed and delivered. Institutions are not to return the mail to sender due to the absence of a specific housing unit or wrong housing unit address.

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The memorandum dated February 13, 2006, informed staff that a vendor for books, magazines, periodicals and publications is "...any publisher or bookstore that does mail order business as outlined in CCR Section 3138(f)(1)."

Books, magazines, periodicals and publications can be received from any bookstore, book distributor i.e., Amazon.com; Barnes&Noble.com; Booksamillion.com, etc., or publisher, so long as their contents do not violate CCR. Institutions shall not require them to be "approved vendors," nor shall they be required to place labels on their packaging stating "approved vendor" or any other type of wording when sending in merchandise.

In the same February 13, 2006, memorandum, institutions were informed that inmates were now allowed to receive hardcover books, as long as the cover was removed. Specifically the memorandum states: "Additionally, per DOM Article 43, Inmate Property, Section 54030.17.7, all inmates shall be allowed to receive hardback books that have the covers removed. Receiving and Release (R&R) staff are directed to allow the inmate to determine whether he or she will accept the hardback book with the cover removed or if he or she declines that option, decide how the hardback book is to be disposed of per CCR, Section 3191. If the inmate chooses to have the hardback book issued to them, staff shall, in front of the inmate, remove the entire cover from the hardback book. **Before** removing the cover, R&R staff shall ensure that they have inspected the book per CCR, Section 3138, and that it does not violate any other departmental policy (CCR, Section 3006 and CCR, Section 3135). The book shall then be issued to the inmate. If upon removal of the cover, the book becomes unstable (the pages are no longer bound together), staff shall take measures to ensure that the book is issued appropriately."

All institutions shall allow inmates to receive hard cover books as long as their contents do not violate CCR and as long as the procedure above is adhered to. Additionally, please be advised that there shall be no weight restrictions placed on the packaging of books. A bookstore, book distributor, or publisher is not a personal correspondent and can send mail through the United States Postal Service under any classification they choose. Staff is referred to CCR Sections 3190 to 3195 and DOM Article 43, Inmate Property, for the exact limitations on books, magazines, and periodicals that inmates can possess.

Furthermore, staff are reminded that legal materials are not subject to these restrictions. Inmates can, if they choose, possess up to six cubic feet of legal

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reference material. The memorandum dated November 29, 2006 informed staff that, "DOM Section 54030.10.2 allows for inmates to possess legal materials/documents and/or books in their quarters/living area consistent with the six cubic foot limitations, except as otherwise set forth in Section 54030. These types of legal materials are only limited by the six cubic foot maximum volume limits, if an inmate so chooses, they are allowed to possess up to the allowable six cubic feet of these types of legal materials as their personal property. Staff is reminded that in addition to the six cubic feet limitation of authorized property, inmates with an active legal case can also possess up to one extra cubic foot of legal materials/documents that relate to that active case. Inmates with active cases can possess six cubic feet of personal property, including legal materials, and another cubic foot; for seven cubic feet in total; of legal material on the active case."

The memorandum dated May 30, 2007, directed staff "...that they must provide notice to a publisher by letter when materials that they mailed were censored from a prison."

All institutions must notice the publisher whenever a magazine, periodical, publication, etc. is censored or not issued based on a violation of CCR. In addition to issuing the inmate(s) a CDCR Form 1819, Notification of Disapproval-Mail/Packages/Publications (Rev.-6/98), staff shall also complete and send the letter titled, "Notification to the Publisher (attachment to May 30 memorandum)."

Lastly, all mail received for inmates that have transferred or paroled, must be forwarded and not returned to the sender. Staff is directed to utilize the Offender Based Information System to locate the inmate. For inmates who have transferred, the mail shall be forwarded to the facility where they are now housed. For inmates who have paroled, the mail shall be forwarded to the specific Parole Office where the inmate is assigned. If the Parole Office is unknown, the mail is to be forwarded to the applicable Regional Parole Headquarters. Inmate mail is not to be forwarded to either Case Records North or Case Records South.

Please ensure that a copy of this memorandum is forwarded to appropriate staff, i.e., litigation coordinator, appeals coordinator, mailroom staff, records staff, etc. Wardens are directed to submit a memorandum to their respective Associate Director no later than close of business, Friday, March 28, 2008, documenting compliance with these issues.

Associate Directors, Division of Adult Institutions
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If you have any questions regarding this memorandum, please contact Lydia Romero, Associate Warden-Classification, California Out-of-State Correctional Facilities, at (916) 464-3772, or via email at Lydia.Romero@cdcr.ca.gov.



MARISELA MONTES
Deputy Director
Division of Adult Institutions

Attachments

cc: Suzan L. Hubbard, Director, Division of Adult Institutions
Melissa Lea, Chief (A), California Out-of-State Correctional Facilities
Nola Grannis, Chief, Inmate Appeals
Brenda Lewis, Assistant General Counsel, Office of Legal Affairs
Bryan Snyder, Senior Staff Counsel, Office of Legal Affairs
Marcelyn L. Nishimoto, CCII, California Out-of-State Correctional Facilities

Memorandum

Date : July 22, 2005

To : Associate Directors-Division of Adult Institutions
Wardens
Mail/Visiting Lieutenants

Subject: CLARIFICATION OF FEDERAL COURT RULING ON NONSUBSCRIPTION BULK MAIL AND CATALOGS ADDRESSED TO AN INDIVIDUAL INMATE

This is a follow up to the previous memorandum dated April 5, 2005, titled Federal Court Ruling Regarding Non-Subscription Bulk Mail and Catalogues Addressed to an Individual Inmate by Suzan L. Hubbard, Deputy Director (A), Institutions Division (attached). In that memorandum, all institutions were directed to process and permit incoming nonsubscription bulk mail and catalogues addressed to individual inmates consistent with the Court ruling. This memorandum is to provide clarification and to assist staff in being able to distinguish bulk mail (which will be referred from here on as Standard Mail) and catalogues from First-Class Mail.

In addition, there have been numerous questions from institutional staff asking how, when and under what circumstances inmates can receive, solicited and unsolicited, paperback books, periodicals, publications and other written material, through the mail. The impetus for these questions regard application of the new property regulations outlining the vendor package process California Code of Regulations (CCR) Section 3190, including the Special Purchase process as provided in CCR Section 3190(h) and the prohibition against inmate receipt of donations in CCR Section 3010.

Please note that the intent and requirements of the new property regulations and Department Operations Manual (DOM), Section 54030 impacting an inmate's ability to obtain books, periodicals, and publications are specifically tailored for inmate purchase of these items via the special purchase process (inmate uses their own funds in their trust account to purchase the items). It was not intended to modify the processes, for families, to purchase and mail paperback books, publications or, periodicals from publishers and book stores to inmates as outlined in CCR Section 3138(f).

The special purchase process, as provided in CCR Section 3190(h), is still valid. Special purchases are allowed as a means for the inmates to purchase items that are not practical to limit to inmate/vendor packages. Some institutions are incorrectly interpreting the new vendor policy as requiring families to purchase paperback books, publications, or periodicals from approved vendors. This is not the case. Families are still allowed to purchase books, periodicals and publications from publishers and book stores as outlined in CCR Section 3138(f).

In regard to inmate special purchase of books, periodicals and publications, CCR Section 3190(h) requires the use of Departmentally approved vendors. However, institutions are to continue to utilize all previous special purchase vendors, as they deem necessary, subject to the seven types of special purchases allowed under CCR Section 3190(h). In addition, institutions are allowed to tentatively approve any special purchase vendors and submit the vendor names to the Institution Services Unit (ISU) for review and Departmental approval. Pending Departmental approval, all locally approved special purchase vendors may continue to be used.

United States Postal Service (USPS) regulations define First-Class Mail as all matter wholly or partly in writing or typewriting, all actual and personal correspondence, all bills and statements of account, and all matter sealed or otherwise closed against inspection, weighing 13 ounces or less. Note: "Matter" for the purposes of this issue shall be limited to written and/or typed materials that are unbound and not sent from a publisher or vendor and pictures.

USPS regulations define Standard Mail as mail used for advertising mail, catalogues, and newsletters of a non-personal nature that are not required to be mailed as First-Class Mail. Standard Mail can weigh no more than 16 ounces and may or may not have a postage rate marking at less than 37 cents affixed. Some Standard Mail will contain a square metered mark stating that it is Standard Mail.

USPS regulations define Periodicals as a class of mail consisting of magazines, newspapers or other periodical publications formed of printed sheets that are published at least four times a year at regular, specified intervals (frequency) from a "known office of publication." Periodicals usually must have a list of subscribers and/or requesters, as appropriate. NOTE: There are no identifiers on the outside of magazines, newspapers, or periodical publication that allows the viewer to immediately recognize it as mailed under the Periodical class of mail.

Package Services are defined as Parcel Post, Bound Printed Matter, Media Mail, and Library Mail. Parcel Post, Media Mail, and Library Mail can weigh no more than 70 pounds. Bound Printed Mail can weigh no more than 15 pounds. Please note that book stores and publishers can mail paperback books under this class of mail.

Please note that Standard Mail (bulk mail) refers to the amount of postage paid for mailing of the item and is not intended to identify any specific type of item (i.e., catalogs, legal periodicals, religious periodicals, etc.). Specifically, items that do not have first class postage and are mailed using the standard rate are at issue. In using Standard Mail, the sender does not pay the USPS a fee to forward this type of mail if the addressee has moved.

Therefore, based on the recent Federal Appellate Court decision and applicable policy, mailroom staff is directed to process all mail, addressed to individual inmates, showing their names, California Department of Corrections numbers and the address for the applicable institution, whether it is solicited or unsolicited; first class mail, standard mail, or periodicals. The only reasons for disallowing mail would be if it posed a threat to the safety and security of the institution, or if it could be considered contraband, sexually explicit material as outlined in CCR Section 3006, or is identified as personnel property as outlined in DOM Section 54030.17. Any Standard Mail, not appropriately addressed, is to be disposed of. If an item is returned from a housing unit because an inmate is no longer housed at your institution, you are directed to dispose of it and not return it to the USPS. Again, Standard Mail is not forwardable mail per the USPS.

The receipt of paperback books, periodicals, publications and other written material is not limited to either inmate vendor packages or special purchases. Paperback books, periodicals, publications, other written material, including correspondence courses, may be purchased by the inmate; purchased for the inmate by a third party; or donated directly to an inmate through the mail. For paperback books, periodicals, and publications that are purchased for an inmate by a third party, or donated to an inmate, the institution mailrooms are only required to process those that are mailed directly from a book store or publisher.

This Federal Appellate Court decision does not impact our ability to restrict matter from the mail which is considered property items and required to be purchased via the approved vendor process. NOTE: The issue of stamps, envelopes, greeting cards, and stationary shall be addressed via a separate memorandum.

Staff is reminded that per DOM, Article 43, Inmate Property, Section 54030.17.7, inmates are allowed to possess a limited number of paperback books, magazines, and newspapers. This allowance is dependent on their privilege group.

Again, please be advised that CCR Sections 3006(c)(11) and 3138(f) will have to be revised to allow an individual inmate to receive appropriately addressed mail, as long as it complies with all other departmental regulations.

Please ensure that a copy of this memorandum is forwarded to appropriate staff, i.e., Mail Room Supervisor, Litigation Coordinator, Appeals Coordinator, etc.

If you have any questions regarding this memorandum and/or the Court's decision, please contact Frank Lopez, Chief (A), Institutions Services Unit, Institutions Division, at (916) 323-4242.



MIKE KNOWLES
Deputy Director (A)
Division of Adult Institutions

Attachment

cc: J. S. Woodford
Renee Kanan, M.D.
Patrick Boyd
Tim Virga

John Dovey
Dave Lewis
Kathleen Keeshen
Ombudsman's Office

Ernest C. Van Sant
Sandra Duveneck
Rick Rimmer
Frank Lopez

Memorandum

Date : April 5, 2005

To : Executive Staff
Regional Administrators-Institutions Division
Wardens
Mail/Visiting Lieutenants

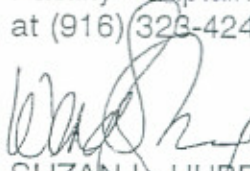
Subject : **FEDERAL COURT RULING REGARDING NON-SUBSCRIPTION BULK MAIL AND CATALOGS ADDRESSED TO AN INDIVIDUAL INMATE**

The United States Court of Appeals for the Ninth Circuit recently issued a ruling relative to the prohibition of non-subscription bulk mail and catalogs. The Ninth Circuit Court found that the Washington State Department of Correction's policy prohibiting inmates from receiving non-subscription bulk mail and catalogs was invalid. This ruling by the Ninth Circuit applies to the California Department of Corrections.

Therefore, effective immediately, all institutions are directed to process and permit incoming non-subscription bulk mail and catalogs that are addressed to individual inmates. Please be advised that CCR Section 3006 (c) (11) will be revised to allow non-subscription bulk mail and catalogs that are addressed to an *individual inmate*.

Please ensure that a copy of this document and the Court's decision (see attached) is forwarded to appropriate staff (i.e., Mail Room Supervisor, Litigation Coordinator, Appeals Coordinator, etc.).

If you have any questions regarding this memorandum, please contact Facility Captain, Frank Lopez, Institutions Services Unit, Institutions Division, at (916) 328-4242.


SUZAN L. HUBBARD
Deputy Director (A)
Institutions Division

Attachment

cc: J. S. Woodford	John Dovey	Emie Van Sant
Renee Kanan M.D.	Dave Lewis	Sharon Planchon
Patrick Boyd	Kathleen Keeshen	Ben Eason
Jackie Cervantes	Ombudsman's Office	Frank Lopez

Memorandum

Date : February 13, 2006

To : Associate Directors-Division of Adult Institutions
Wardens
Mail/Visiting Lieutenants
Receiving and Release Sergeants

Subject: **PROCESSING OF STANDARD MAIL AND RECEIPT OF BOOKS**

This is a follow up to the signed memorandum dated July 22, 2005, regarding the processing of Standard Mail and Catalogs (attached). In that memorandum, all institutions were provided clarification to assist staff in complying with the federal court ruling and distinguishing Standard Mail and catalogs from First-Class Mail. This memorandum is to clarify when Standard Mail is to be discarded and when it is to be returned to the United States Postal Service (USPS). In addition, this memorandum will clarify how incoming books are to be processed and the requirement to notice publishers when their materials are not issued to the inmates based on departmental policy violations.

Previously staff was advised that any Standard Mail returned from a housing unit because the inmate was no longer housed at your institution was to be disposed. Further direction from the USPS indicates that Standard Mail with a "mailer endorsement" should be either returned to the USPS for processing or forwarded to the inmate's new housing location. The mailer endorsement will appear either near the address block or below the return address in the top left corner of the mailpiece. A mailer endorsement is any of the following phrases:

Return Service Requested
Address Service Requested
Forwarding Service Requested
Change Service Requested

For Standard Mail that contains the phrase "Return Service Requested," you are directed to return it to the USPS for processing. For Standard Mail that has one of the other three mailer endorsements, you are directed to forward it via interdepartmental mail to the applicable institution. Per the California Code of Regulations (CCR), Article 4, Section 3147(a)(7)(C), these types of mailpieces shall only be forwarded 60 days from the date the inmate transfers from the institution. For all paroled inmates, staff are directed to return Standard Mail with mailer endorsements to the USPS. Staff shall continue to dispose of any Standard Mail mailpiece that does not have a mailer endorsement line and/or is undeliverable as addressed. Staff are reminded that Standard Mail must be addressed to an individual inmate, showing their name, California Department of Corrections and Rehabilitation number, and the address for the applicable institution.

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Staff are also advised that the receipt of paperback books, periodicals, and publications is not limited to either inmate vendor packages or special purchases. Inmates may receive books, periodicals, and publications from publishers and book stores as outlined in CCR Section 3138(f). This direction also applies to inmates housed in a Reception Center (RC) or an Administrative Segregation Unit (ASU). Per the Department Operations Manual (DOM), Article 43, Inmate Property, Section 54030.17.1 and Section 54030.17.7, RC and ASU inmates are not prohibited from ordering, obtaining or possessing books periodicals or publications. Additionally, per DOM Article 43, Inmate Property, Section 54030.17.7, all inmates shall be allowed to receive hardback books that have the covers removed. The only weight limits that can be imposed on incoming mail are outlined in the July 22, 2005, memorandum.

Receiving and Release (R&R) staff are directed to allow the inmate to determine whether he or she will accept the hardback book with the cover removed or if he or she declines that option, decide how the hardback book is to be disposed of per CCR, Section 3191. If the inmate chooses to have the hardback book issued to them, staff shall, in front of the inmate, remove the entire cover from the hardback book. Before removing the cover, R&R staff shall ensure that they have inspected the book per CCR, Section 3138, and that it does not violate any other departmental policy (CCR, Section 3006 and CCR, Section 3135). The book shall then be issued to the inmate. If upon removal of the cover, the book becomes unstable (the pages are no longer bound together), staff shall take measures to ensure that the book is issued appropriately.

The July 22, 2005, memorandum has also created some misunderstanding about the donation of items to an inmate. The memorandum stated "Paperback books, periodicals, publications, other written material, including correspondence courses, may be purchased by the inmate; purchased for the inmate by a third party; or donated directly to an inmate through the mail. For books, periodicals, and publications that are purchased for an inmate by a third party, or donated to an inmate, the institution mailrooms are only required to process those that are mailed directly from a book store or publisher." To clarify, the donated item must come directly from a book store or publisher. Family members cannot mail books, periodicals, or publications directly to inmates and state they are a donation. Furthermore, books, periodicals, or publications that are mailed for a recognized religious organization's bookstore shall be considered as coming from an authorized vendor. The Chaplains will only be required to distribute publications that are sent to the prison for donation to unspecified inmates.

Institutions are reminded that they cannot require incoming books (magazines or newspapers) to have an institution preapproved "vendor approved"-label affixed to the packaging. Please note that a departmentally approved vendor is any publisher or bookstore that does mail order business as outlined in CCR Section 3138(f)(1).

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Another court ruling, *Prison Legal News v. Cook* (9th Cir. 2001) 238F.39 1145, 1152-53 requires the Department to notify a publisher when materials they have mailed are censored from a prison. Based on this, the Warden shall ensure that a letter is sent to the publisher when an inmate is denied the receipt of a book, magazine or publication. If for example, a magazine is denied to the entire population based on a violation of departmental policy, then only one letter needs to be sent to the publisher. At a minimum the memorandum must include the reason why the book, magazine, or publication was banned, and the applicable CCR section that is in violation. An example of a letter is attached for your convenience.

Again, please be advised that appropriate CCR sections will be revised to comply with recent federal court orders to allow an individual inmate to receive appropriately addressed mail, as long as it complies with all other departmental regulations.

Please ensure that a copy of this memorandum is forwarded to appropriate staff, i.e., Mail Room Supervisor, Receiving and Release Sergeant, Litigation Coordinator, Appeals Coordinator, etc. If you have any questions regarding this memorandum and/or the court's decision, please contact Sue Facciola, Associate Warden, High Security and Transitional Housing, at (916) 323-4223.



D. L. RUNNELS
Deputy Director (A)
Division of Adult Institutions

Attachments

cc: J. S. Woodford	John Dovey	Dennis Turnipseed
Peter Farber-Szekrenyi	Sandra Duveneck	Patrick Boyd
Kathleen Keeshen	Rick Rimmer	Tim Virga
Ombudsman's Office	Sue Facciola	

Division of Adult Institutions
P.O. Box 942883
Sacramento, CA 94283-0001



Date

Recipient Name
Recipient Name
Address
City, State Zip Code

Dear (Name):

This letter is to advise you that your publication entitled (Title of Publication), for the month of (Month & Year), will not be delivered to inmates housed at (Name of Institution). This is based on a violation of the California Code of Regulations, Section (List CCR Section), which states in part, "(Enter applicable CCR language)."

Should you have any questions or concerns, please contact (Enter Contact information).

Sincerely,

AUTHOR NAME IN CAPS

Title

Unit/Division/Department

Memorandum

Date : NOV 29 2006

To : Associate Directors-Division of Adult Institutions
Wardens
Receiving and Release Sergeants

Subject: LEGAL PROPERTY, LEGAL REFERENCE MATERIALS, AND BOOKS,
MAGAZINES, NEWSPAPERS IN ADMINISTRATIVE SEGREGATION UNIT

The purpose of this memorandum is to clarify the intent of the Department Operations Manual (DOM), Article 43, Sections 54030.10.2 and 54030.17.7 (the property schedule) as they relate to the maximum volume and quantity limits of legal property; legal reference material and legal books inmates housed in the Administrative Segregation Unit (ASU) may possess. This memorandum is also intended to clarify the process for inmates housed in ASU to receive non legal books, magazines and newspapers once they have reached the identified quantity limits.

The quantity limitations identified in DOM Section 54030.17.7 which limits the number of books, periodicals and magazine inmates housed in ASU may possess (five) is not applicable to legal reference materials or legal books.

DOM Section 54030.10.2 allows for inmates to possess legal materials/documents and/or books in their quarters/living area consistent with the six cubic foot limitations except as otherwise set forth in Section 54030. Legal materials include such items as law-related books, law-related documents, law-related publications and court transcripts. Examples are *Blacks Law Dictionary*, *California State Prisoners Handbook* by the Prison Law Office, *California Codes*, *Prison Legal News* publications, official reports of case law (i.e., *California Reporter*), *American Law Reports*, etc. These types of legal materials are only limited by the six cubic foot maximum volume limits, if an inmate so chooses, they are allowed to possess up to the allowable six cubic feet of these types of legal materials as their personal property.

Staff is reminded that in addition to the six cubic feet limitation of authorized property, inmates with an active legal case can also possess up to one extra cubic foot of legal materials/documents that relate to that active case. Inmates with active cases can possess six cubic feet of personal property, including legal materials, and another cubic foot; for seven cubic feet in total; of legal material on the active case.

DOM Section 54030.17.7 allows inmates housed in ASU to have in their possession at any one time up to five (5) books, magazines and newspapers. These are in addition to any legal materials that they are allowed to possess as personal property as described above.

Effective immediately any inmate housed in ASU, who possess the maximum limit of books, magazines and newspapers and subsequently receives a book, magazine or newspaper via the mail shall be given the following option:

1. Exchange the newly received item (book, magazine or newspaper) for one currently in their possession. The exchanged item will then be placed in their stored property.
2. Have the newly received item be placed in their stored property.

In addition, staff shall not be concerned with the total number of books, magazines or newspapers that are placed in an inmate's stored property. Instead, upon release from ASU, staff shall allow the inmate to choose which books, magazines or newspapers they wish to keep consistent with the maximum quantities set forth in DOM. Excess items shall be disposed of pursuant to Section 54030.12.2. Staff shall not require inmates to dispose of any excess property until such time as they are released to the General Population or given a Security Housing Unit term that is assessed, imposed and endorsed by a Classification Services Representative.

Please ensure that a copy of this memorandum is forwarded to appropriate staff, i.e., Receiving and Release Sergeant, Litigation Coordinator, Appeals Coordinator, etc; If you have any questions regarding this memorandum please contact Sue Facciola, Associate Warden, High Security and Transitional Housing, at (916) 323-4223.


SCOTT KERNAN 11/29/04
Deputy Director
Division of Adult Institutions

cc: John Dovey, Director
Brenda Lewis, Assistant General Counsel
Bryan Snyder, Staff Counsel

Memorandum

Date : May 30, 2007

To : Associate Directors-Division of Adult Institutions
Wardens
Mail Room Supervisors
Correctional Captains/Facility Captains

Subject: **CLARIFICATION OF NOTIFICATION TO PUBLISHERS**

This purpose of this memorandum is to clarify the process for notification to the publisher when materials they have mailed to the inmate are denied.

On February 13, 2006, a signed memorandum was issued regarding *Processing of Standard Mail and Receipt of Books*, (attached). In that memorandum, all institutions were informed that they must provide notice to a publisher by letter when materials that they mailed were censored from a prison.

In order to standardize and streamline this process, the following shall be adhered to:

- A letter shall be sent to the publisher when an inmate (or inmates) is denied the receipt of a book, magazine or publication.
- The letter shall be sent within 15 calendar days of denial.

At a minimum the letter shall include:

- A. Name(s) and number(s) of inmate(s).
 1. If more than one inmate is denied the same book, magazine, newspaper, or other publication, the institution only needs to send one letter of notification to the publisher.
 - a. This letter must include the names and numbers of all of the inmates who were the intended recipients of the publication.
- B. The reason why the book, magazine, or publication was banned.
- C. The applicable CCR section that is in violation.
- D. Notice to the publisher that it has the right to appeal this decision per the California Code of Regulations, Title 15, Section 3137(c).

A pre-formatted letter is attached for your use. If you would like an electronic version of this letter, please contact Correctional Counselor II, Marcelyn Nishimoto via email at Marcelyn.Nishimoto@cdcr.ca.gov, or by telephone at (916) 323-1983.

Please ensure that a copy of this memorandum is forwarded to appropriate staff, i.e., Litigation Coordinator, Appeals Coordinator, mailroom staff, etc.

Associate Directors-Division of Adult Institutions
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If you have any questions regarding this memorandum, please contact Lydia Romero, Associate Warden-Classification, California Out-of-State Correctional Facilities at (916) 323-1776 or via email at Lydia.Romero@cdcr.ca.gov.



TERESA A. SCHWARTZ
Deputy Director (A)
Division of Adult Institutions

Attachments

cc: Terri McDonald, Chief, COCF
Nola Grannis, Chief, Inmate Appeals
Brenda Lewis, Assistant General Counsel, OLA
Bryan Snyder, Senior Staff Counsel, OLA
Tim Lockwood, SSM II, RPMB
Don Price, CCII, SPLU

NAME OF INSTITUTION
Institution Address
Name of City, CA Zip Code



Date

Recipient Name
Organization or Company
Address
City, State Zip Code

Dear (Name):

This letter is to advise you that your publication entitled (Title of Publication), for the month of (Month & Year), will not be delivered to inmate(s) (Enter last names and CDCR numbers of all intended inmate recipients of the publication) housed at (Name of Institution). This is based on a violation of the California Code of Regulations, Section (List CCR Section), which states in part, "(Enter applicable CCR language)." Your publication contained material on page(s) ___ that was (be specific as to how it violated CCR; i.e., nude photos, article about making bombs, etc.)

Please be advised that you have the right per CCR Section 3137(c) to appeal this issue. CCR 3137(c) states in part, "Appeals relating to facility procedures and practices should be addressed in writing to the warden, superintendent or regional administrator of the facility where the appeal arises. The warden, superintendent or regional parole administrator shall provide a written response within 15 working days. Appeals that are not satisfactorily resolved at this level may be forwarded in writing to the Secretary, who shall provide a written response within 20 working days."

Should you have any questions or concerns, please contact (Enter Contact information).

Sincerely,

AUTHOR NAME IN CAPS
Title
Unit/Division/Department